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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ROBERT LINDLEY,

Defendant and Appellant.

H046021

(Santa Clara County

Super. Ct. No. C1771881)

Defendant William Robert Lindley has filed a timely notice of appeal after he pleaded no contest to second degree burglary (Pen. Code, §§ 459, 460, subd. (b)) and admitted that he had suffered prior prison convictions (Pen. Code, § 667.5, subd. (b)). Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d. 436 (*Wende*) on behalf of defendant. We affirm the judgment.

I. Factual and Procedural Background

On April 7, 2017, Maria Velazquez, the owner of Couture Hair and Beauty Supplies, discovered that the door to her store had been broken and many items were missing. The items had a total value of \$11,162.80. The surveillance video showed a white truck backing up to the front door. After two men tied a rope from the door to the back of the truck and pulled the door open, they entered the store.

Officer Todd Wellman viewed the surveillance video and was able to read the license plate of the truck. The registered owner of the truck was Adrian Esparza, who told Officer Wellman that he had sold the truck a few months earlier to defendant. Esparza stated that he had not yet filed the paperwork about the sale with the Department of Motor Vehicles. A few weeks after speaking with Esparza, Officer Wellman attempted to contact defendant. He went to defendant's residence and saw the white truck, which he had observed in the surveillance video, parked in the driveway. The officer also identified defendant as one of the men in the surveillance video.

In August 2017, defendant was charged by complaint with one count of second degree burglary. The complaint also alleged that defendant had suffered four prior prison convictions.

In December 2017, defendant pleaded no contest to second degree burglary and admitted the prior conviction allegations. The sentencing hearing was held the following month. The trial court sentenced defendant to eight months in county jail concurrent to his sentence in another case. Defendant then moved to withdraw his plea and the trial court granted the motion.

After the preliminary hearing was held in February 2018, defendant was charged by information with second degree burglary. It was also alleged that he had suffered four prior prison convictions.

A change of plea hearing was held in April 2018. The trial court reviewed the advisement of rights and plea form that defendant had completed. Defendant acknowledged that he had reviewed the form with his attorney and had initialed and signed the form. Defendant was advised of the maximum sentence, the potential immigration consequences as well as his rights to a jury trial, to confront and cross-examine witnesses, to remain silent, and to present defense evidence. After defendant stated that he understood his rights, he waived them. Defendant indicated that he

understood that his conviction could be used to enhance his punishment in the future. Defendant further stated that he was of sound mind and no one had made any promises to him in exchange for entry of his plea. Defendant pleaded no contest to second degree burglary and admitted the four prior convictions.

On May 29, 2018, defendant brought a *Marsden*¹ motion. Following a hearing, the motion was denied. On the same day, defendant brought a motion to withdraw his plea. He stated that he had witnesses available to testify on his behalf. Based on statements made at the *Marsden* hearing, the trial court found that defendant had failed to establish good cause and denied the motion. The trial court sentenced defendant to the upper term of three years on the burglary count plus one year for each of the two prior prison convictions. The trial court struck the remaining prior prison convictions. The sentence was to be served concurrently to the sentence in case No. C1760060. Defendant filed a timely notice of appeal.

Defendant was notified of his right to submit written argument on his own behalf. Defendant states that he does not want to submit any argument, but he wants “to bring to [our] attention a couple things [he] think[s] [we] should be aware of.” Pursuant to *Wende, supra*, 25 Cal.3d 436, we have reviewed the entire record and defendant’s letter and have concluded that there are no arguable issues on appeal.

II. Disposition

The judgment is affirmed.

¹ *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*).

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Bamattre-Manoukian, J.

People v. Lindley
H046021